

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, *et al.*,

No. C 03-2659 SI; No. C 03-2878 SI

Plaintiffs,

**ORDER RE: MR. McCOY'S REQUEST
FOR STAY OF MOTION FOR
ATTORNEYS' FEES PENDING
RESOLUTION OF RELATED NINTH
CIRCUIT APPEAL**

v.

FEDEX EXPRESS,


Defendant.

Plaintiffs' motion for attorneys' fees is scheduled for a hearing on October 7, 2010. Mr. McCoy has filed a "Request for Stay of Determination of Reasonable Attorney's Fees and Request for Extension of Time to File Substantive Response After Ninth Circuit Ruling." (Docket No. 933). The Court finds that it is in the interest of judicial efficiency to determine the attorneys' fees motion after the Ninth Circuit resolves Appeal No. 10-15197, which is currently pending in the Court of Appeals and involves the interpretation of the same fee provisions in the co-counsel agreement between Mr. McCoy and his former co-counsel.

Accordingly, the Court dismisses the pending motion (Docket No. 925) without prejudice. If Mr. McCoy's appeal in 10-15197 is unsuccessful, plaintiffs may re-notice the motion for attorneys' fees. The October 7, 2010 hearing is VACATED.

IT IS SO ORDERED.

Dated: September 29, 2010



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

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